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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,927	06/07/2004	David B. Muyskens	4253	8742
23699	7590	07/06/2005	EXAMINER	
CLAUSEN MILLER, P.C SUITE 1600 10S. LASALLE STREET CHICAGO, IL 60603			SZUMNY, JONATHON A	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,927

Applicant(s)

MUYSKENS, DAVID B.

Examiner

Jon A. Szumny

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 10-13 is/are allowed.
- 6) ☒ Claim(s) 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the second office action for application number 10/709,927, Washing Machine Base for Securing a Central Mechanism, filed on June 7, 2004.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 4-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the diagonals" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 refers back to a canceled claim (claim 2). It appears claim 8 should refer back to claim 3, and the Examiner will assume this is so for the purposes of this office action.

Claim Rejections - 35 USC § 103

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsicano '351.

Marsicano '351 discloses a base (figure 2) comprising a load bearing tray (6, inherently load bearing) having a substantially flat rectangular bottom panel (bottom thereon, and an insert (12) disposed within the tray and having a centrally disposed opening (between panels 18); wherein the insert is formed from a cut and folded blank (column 1, line 61), wherein downwardly angled panels (18) define the centrally disposed opening, wherein the centrally disposed opening is raised above the tray bottom panel, wherein the insert is formed from a blank that when folded in accordion fashion, assumes a substantially pyramidal shape defining the centrally disposed opening raised above the bottom panel, but fails to specifically teach side panels to be connected to and extending upwardly from the bottom panel. However, Marsicano '351 does teach that the tray can be of various shapes (column 1, lines 65-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the tray of Marsicano '351 to have another shape, such as a square or pentagonal shape, which would inherently have side panels connected to and extending upwardly from the bottom panel, so as to

satisfy the preferences of a user, in addition to providing an alternate design choice.

Allowable Subject Matter

Claim 3 and 10-13 are allowed.

Claims 4-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 3, the prior art as previously applied against claim 3 failed to further specifically teach each leg to comprise a pair of downwardly angled panels connected along a first fold line extending from the centrally disposed opening, each downwardly angled panel sloping downward from the first fold line to an attachment panel that mates face to face with and is affixed to the bottom panel of the tray, each downwardly angled panel and the corresponding attachment panel forming an obtuse angle.

Response to Arguments

Applicant's arguments filed May 11, 2005 have been fully considered but they are not persuasive.

On the bottom half of page 8 of the response, the applicant is arguing features of the invention which are not actually claimed in claim 14, for example, all features of the machine. The device of Marsicano '351 can in fact perform all functions recited in claim 14.

Further, on page 9, the applicant contends that the insert of Marsicano '351 cannot fold in accordion fashion. The Examiner disagrees. Flexible tabs 18 and 26 clearly can be folded to allow the insert to be folded in accordion fashion so as to assume a pyramidal shape.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the

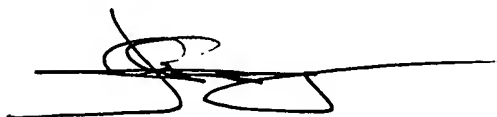
advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (571) 272-6824. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

A handwritten signature in black ink, appearing to read 'Jon Szumny', with a long horizontal line extending to the right.

Jon Szumny
Primary Examiner
Technology Center 3600
Art Unit 3632
June 27, 2005